



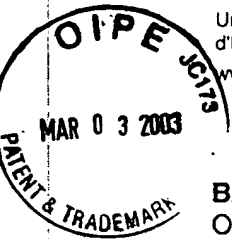
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December 3, 2002

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Application No. : **2,384,315**
Owner : UNITED VIRTUALITIES, INC.
Title : **COMPUTERIZED ADVERTISING METHOD AND SYSTEM**
Classification : G06F-17/60
Your File No. : **DA001/2377/CA**
Examiner : Leigh Matheson

IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES, YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE PATENT ACT, A WRITTEN REPLY MUST BE RECEIVED WITHIN SIX MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account the applicant's correspondence dated 25 October 2002.

There are 33 claims in this application.

A search of the prior art has revealed the following:

Reference Applied:

Canadian Patent

2,296,355 10 December 1998 G06F 17/60 Murray

Murray teaches a method and system of conveying information by modifying content viewed by a user in an interactive graphical environment to include the desired message or image.

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Obviousness

Claim 1 describes a method for modifying an image produced by a software application by introducing a multimedia character in an intrusive way, beyond the user's control. However, all of this subject matter has already been taught by Murray (abstract; page 4, lines 12 to 13; page 11, lines 13 to 19; page 13, line 19 to page 15, line 5; figures 1, 5a, and 5b). Murray teaches a method and system of conveying information (primarily advertising) integrated with content (primarily web-pages displayed in a browser). The information may take the form of any piece of multimedia, and may overlay the content of the original web page. It is held to be obvious that this information can be intrusive and unpredictable to the user.

Claims 2 to 11 are dependent on claim 1 and fail to overcome the objections made for that claim.

Claim 12 describes an intrusive method of introducing advertising material into multimedia content being viewed by a user connected to a network. All of this subject matter has been previously taught by Murray (abstract; page 4, lines 12 to 13; page 11, lines 8 to 19; page 13, line 19 to page 15, line 5; figures 1, 5a, and 5b). Murray teaches a method and system of conveying information (primarily advertising) integrated with content (primarily web-pages displayed in a browser). The information may take the form of any piece of multimedia, and may overlay the content of the original web page. It is held to be obvious that this intrusive information is beyond the user's control.

Claims 13 to 20 are dependent on claim 12 and fail to overcome the objections made for that claim.

Claim 21 describes a method for providing an intrusive electronic greeting over a network. This is but a variant of the information conveying method taught by Murray (abstract; page 4, lines 12 to 13; page 11, lines 8 to 19; page 13, line 19 to page 15, line 5; figures 1, 5a, and 5b). It is held to be obvious that the advertising entity (or sender) could choose the characteristics of the information (greeting) to be sent, and that the message server (character controlling server) could then produce the message (multimedia character) to be seen on a user's (recipient's) computer, overlaying the content being viewed.

Claim 22 is dependent on claim 21 and fails to overcome the objections made for that claim.

Claim 23 describes a system for modifying an image produced by a software application by introducing a multimedia character in an intrusive way, beyond the user's control. However, all of this subject matter has already been taught by Murray (abstract; page 4, lines 12 to 13; page 11, lines 13 to 19; page 13, line 19 to page 15, line 5; figures 1, 5a, and 5b). Murray teaches a method and system of conveying information (primarily advertising) integrated with content (primarily web-pages displayed in a browser). The information may take the form of any piece of multimedia, and may overlay the content of the original web page. It is held to be obvious that this information can be intrusive and unpredictable to the user.

Claims 24 to 33 are dependent on claim 23 and fail to overcome the objections made for that claim.

The subject matter of claims 1 to 33 would have been obvious to a person skilled in the art or science in view of Murray. Therefore, none of the claims on file comply with Section 28.3 of the Patent Act.

Lack of Support

Claim 33 states that the generator and the application program are installed from the same source, and at the same time. However, this claimed characteristic, and its implementation, does not appear in the disclosure. Therefore, claim 33 does not comply with Section 84 of the Patent Rules.

Indefiniteness

The scope of claims 1 and 23 are so broad that the claims become ambiguous; they could be describing features of a video game played in a Windows environment just as easily as describing the advertising methods mentioned in the disclosure. The video games (application programs) commonly referred to as "first person shooters" were available for Windows (a graphical user interface) at least as early as 1995. The "sprites", or animated characters in the games that served as the player's adversaries would continually move around (sometimes translationally) on the screen in an unpredictable way, thus changing the image. They were usually accompanied by sound, and completely beyond the user's control.

Claims 2 to 8 are dependent on claim 1 and fail to overcome the objections made for that claim.

Claims 3 to 6 do not comply with Subsection 87(1) of the Patent Rules. Reference to preceding claims must be made by number.

Claims 4 to 6, 15 to 20, and 26 to 28 are indefinite. Although these claims satisfy Section 87 of the Patent Rules literally, there are too many possible combinations resulting from the multiple dependencies for the claims to be interpreted precisely and with clarity.

Claim 21, page 17 states "beyond the his control" instead of "beyond his or her control".

Claim 22 states that it is dependent on "claim 22". It has been assumed that claim 22 was intended to be dependent on claim 21, and it was interpreted accordingly.

Claims 24 to 30 and 33 are dependent on claim 23 and fail to overcome the objections made for that claim.

Claims 1 to 8, 15 to 30, and 33 are indefinite and therefore do not comply with Subsection 27(4) of the Patent Act.

Disclosure

Page 2, line 16 states "with our without" instead of "with or without".

Page 4, line 16 states "Shoshkele to be inserted the" instead of "Shoshkele to be inserted in the".

Page 5, line 19 states "As an alternate, technology for producing the Shoshkele," instead of "As an alternative technology for producing the Shoshkele,".

Page 6, line 8 states "synchrinized" instead of "synchronized".

Under Section 89 of the Patent Rules, the applicant is requested to provide a certified copy of the US application cited as the priority document, and a certification from the United States Patent and Trademark Office indicating the date of filing. If the particulars are not available, the reason why must be stated. The above requested information must be provided regardless of the current status of the US application.

Under Section 29 of the Patent Rules, the applicant is requested to provide an identification of any prior art cited in respect of corresponding US and European applications. If the particulars are not available, the reason why must be stated. The above requested information must be provided regardless of the current status of the foreign applications.

In view of the foregoing defects, the applicant is requested to amend the application in order to comply with the Patent Act and the Patent Rules or to provide arguments as to why the application does comply.

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